

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☒ 1 Valuation of Security ☐ 0 Assumption of Executory Contract or Unexpired Lease ☐ 0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 18-28018 VFP
CARL A. POWELL, SR. Judge: PAPALIA
MICHELLE A. FINNEY-POWELL,
Debtor(s)

Chapter 13 Plan and Motions

☒ Original ☐ Modified/Notice Required Date: 9/23/18
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: HR Initial Debtor: CP Initial Co-Debtor: MP

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1053 per MONTH to the Chapter 13 Trustee, starting on OCTOBER OF 2018 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 717 Watchung Avenue, Plainfield, NJ

Proposed date for completion: 3/31/19 or as extended **

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

** Completion of loan modification on or before March 31, 2019, or as extended by the Court. Debtors to make regular monthly mortgage payment to lender/servicer, Select Portfolio Servicing, Inc.. Trustee is not to pay mortgage arrears due to Select Portfolio Servicing, Inc. Mortgage arrears, due to Select Portfolio Servicing, Inc., to be addressed through loan modification.

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$
DOMESTIC SUPPORT OBLIGATION	NONE AS TO DOMESTIC SUPPORT	\$2,636 Balance Due Counsel Fees
INTERNAL REVENUE SERVICE	PRIORITY INCOME TAX LIABILITY	\$23,000

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
BANK OF AMERICA, NA	2ND MORTGAGE AGAINST REAL PROPERTY	\$77,374	\$481,754	SELECT PORTFOLIO SERVICING AND PLFD. MUA IN THE TOTAL AMOUNT OF \$495,588	NO VALUE	N/A	NO VALUE

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

i. Americredit/GM Financial, continued payments, on automobile loan pertaining to a 2004 Ford F-150, no arrears. Continued payments by the Debtors directly to Americredit/Gm Financial.

g. Secured Claims to be Paid in Full Through the Plan: ☐ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan
PLAINFIELD MUA	UNPAID GARBAGE AND SEWER CHARGES PERTAINING TO REAL PROPERTY. STATUTORY LIEN.	\$19,826 PLUS INTEREST AT 18%, FOR A TOTAL CLAIM OF \$30,207.01

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
							;sdifhsdhf sdifhd;ih

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
BANK OF AMERICA, NA	2ND MORTGAGE AGAINST REAL PROPERTY RE: 717 WATCHUNG AVE., PLAINFIELD, NJ	\$77,374	NO VALUE	SELECT PORTFOLIO SERVICING AND PLFD. MUA IN THE TOTAL AMOUNT OF \$495,588	NO VALUE	ENTIRE MORTGAGE IN THE AMOUNT OF \$77,374

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Counsel Fees & Supp. Counsel Fees (Fully paid before other Claims)
- 3) Secured Claims and then Priority Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: AUGUST 7, 2018

/S/ CARL A. POWELL, SR.
Debtor

Date: AUGUST 7, 2018

/S/ MICHELLE A. FINNEY-POWELL
Joint Debtor

Date: AUGUST 7, 2018

/S/ HERBERT B. RAYMOND, ESQ.
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Carl A Powell, Sr
 Michelle A. Finney-Powell
 Debtors

Case No. 18-28018-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

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 Total Noticed: 42

Date Rcvd: Sep 24, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 26, 2018.

db/jdb +Carl A Powell, Sr, Michelle A. Finney-Powell, 717 Watchung Avenue,
 Plainfield, NJ 07060-2513

cr +U.S. ROF III LEGAL TITLE TRUST 2015-1, BY U.S. BAN, RAS Crane, LLC,
 10700 Abbott's Bridge Road, Suite 170, Duluth, GA 30097-8461

517746644 +AmeriCredit/GM Financial, PO Box 181145, Arlington, TX 76096-1145

517746645 +Amex/Bankruptcy, Correspondence, PO Box 981540, El Paso, TX 79998-1540

517746646 +Ashbrook, 1610 Raritan Rd., Scotch Plains, NJ 07076-2996

517746647 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Attn: Bankruptcy, PO Box 982238,
 El Paso, TX 79998)

517746649 +Bank of America, 100 N. Tyron Street, Charlotte, NC 28255-0001

517746650 +Bank of America Home Loans, 7105 Corporate Drive, Plano, TX 75024-4100

517746651 +Bank of America Home Loans, PO Box 660694, Dallas, TX 75266-0694

517746652 +Bank of America Home Loans, 450 American Street, Simi Valley, CA 93065-6285

517768991 +Bank of America, N.A., c/o Marinosci Law Group, P.C., ATTN: Bankruptcy Department,
 100 West Cypress Creek Road, Suite 1045, Fort Lauderdale, FL 33309-2191

517746653 +Barclays Bank Delaware, Attn: Correspondence, PO Box 8801, Wilmington, DE 19899-8801

517746656 +Capital One/Neiman Marcus/Bergdorf Goodm, Attn: Bankruptcy, PO Box 30285,
 Salt Lake City, UT 84130-0285

517746657 +Chase Card Services, Correspondence Dept, PO Box 15298, Wilmington, DE 19850-5298

517746658 +Ernston McCormack, 191 Blackford Avenue, Piscataway, NJ 08854-2327

517746659 +Genesis Physician Services, PO Box 3208, Indianapolis, IN 46206-3208

517746666 +Plainfield M.U.A. Sewerage & Solid Waste, 127 Roosevelt Avenue, Plainfield, NJ 07060-1398

517746667 +Plainfield M.U.A. Sewerage & Solid Waste, PO Box 23310, Newark, NJ 07189-0310

517746668 +Plainfield MUA, PO Box 5110, Plainfield, NJ 07061-5110

517746669 +Plainfield Rescue Squad, Inc., 700 W 7th St, Plainfield, NJ 07060-2011

517746670 +Proponent Fcu, 536 Washington Ave, Nutley, NJ 07110-3600

517746671 +Pulmonary Internists, PA, Attn: Savit Collection Agency, PO Box 250,
 East Brunswick, NJ 08816-0250

517746672 +Robert Wood Johnson, 865 Stone Street, Rahway, NJ 07065-2742

517746674 +Robert Wood Johnson University Medical, PO Box 21356, New York, NY 10087-1356

517746675 +Santander Bank NA, Attn: Bankruptcy, PO Box 12646, Reading, PA 19612-2646

517746679 +The Bank of New York, Attn: KML Law Group, LLC, 216 Haddon Avenue, Ste. 406,
 Westmont, NJ 08108-2812

517746680 +The Woodlands center, 1400 Woodland Avenue, Plainfield, NJ 07060-3362

517746681 +Union Count Probation, 1143 E. Jersey St., Elizabeth, NJ 07201-2310

517746682 +Union County Child Support, 1143-1145 East Jersey Street, Elizabeth, NJ 07201-2310

517746683 +Visa Dept Store National Bank/Macy's, Attn: Bankruptcy, PO Box 8053, Mason, OH 45040-8053

517746684 ++WELLS FARGO BANK NA, 1 HOME CAMPUS, MAC X2303-01A, DES MOINES IA 50328-0001
 (address filed with court: Wells Fargo Bank, Attn: Bankruptcy Dept, PO Box 6429,
 Greenville, SC 29606)

517746685 +Yolene Auguste, 234 North 2nd Avenue, Manville, NJ 08835-1308

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 25 2018 00:18:44 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Sep 25 2018 00:18:39 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

517746660 E-mail/Text: cio.bncmail@irs.gov Sep 25 2018 00:18:00 Internal Revenue Service,
 Special Procedures Function, PO Box 724, Springfield, NJ 07081

517746663 +E-mail/Text: masmith@jfkhealth.org Sep 25 2018 00:19:23 JFK Medical Center, PO Box 11913,
 Newark, NJ 07101-4913

517746662 E-mail/Text: masmith@jfkhealth.org Sep 25 2018 00:19:23 JFK Medical Center,
 80 James St., 4th Floor, Edison, NJ 08820-3938

517746665 +E-mail/Text: bnc@nordstrom.com Sep 25 2018 00:17:53 Nordstrom Signature Visa,
 Colorado Service Center, PO Box 6555, Englewood, CO 80155-6555

517746673 +E-mail/Text: rwjebn@rwjbh.org Sep 25 2018 00:19:37 Robert Wood Johnson University Hospital,
 One Robert Wood Johnson Place, PO Box 2601, New Brunswick, NJ 08903-2601

517746676 +E-mail/Text: bankruptcy@savit.com Sep 25 2018 00:19:39 Savit Collection Agency,
 PO Box 250, East Brunswick, NJ 08816-0250

517746677 +E-mail/Text: jennifer.chacon@spservicing.com Sep 25 2018 00:19:47
 Select Portfolio Servicing, Inc, PO Box 65250, Salt Lake City, UT 84165-0250

517746678 +E-mail/PDF: gecsed@recoverycorp.com Sep 25 2018 00:23:15 Synchrony Bank/TJX,
 Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

District/off: 0312-2

User: admin
Form ID: pdf901

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Total Noticed: 42

Date Rcvd: Sep 24, 2018

517746654* +Barclays Bank Delaware, Attn: Correspondence, PO Box 8801, Wilmington, DE 19899-8801
517746655* +Barclays Bank Delaware, Attn: Correspondence, PO Box 8801, Wilmington, DE 19899-8801
517746661* Internal Revenue Service, Special Procedures Function, PO Box 744, Springfield, NJ 07081
517746664* +JFK Medical Center, PO Box 11913, Newark, NJ 07101-4913
517746648 ##+Bank of America, Attn: Bankruptcy Nc4-105-02-77, PO Box 26012, Greensboro, NC 27420-6012
TOTALS: 0, * 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 26, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on September 23, 2018 at the address(es) listed below:

Herbert B. Raymond on behalf of Joint Debtor Michelle A. Finney-Powell
bankruptcy123@comcast.net,
jeff.raymond@comcast.net;raymondmail@comcast.net;carol-raymond@comcast.net;bankruptcyattorneys@co
mcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.raymond@gmail.com
Herbert B. Raymond on behalf of Debtor Carl A Powell, Sr bankruptcy123@comcast.net,
jeff.raymond@comcast.net;raymondmail@comcast.net;carol-raymond@comcast.net;bankruptcyattorneys@co
mcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.raymond@gmail.com
Jill Manzo on behalf of Creditor FAY SERVICING, LLC, as servicer for U.S. ROF III LEGAL
TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE
bankruptcy@feinsuch.com
Laura M. Egerman on behalf of Creditor U.S. ROF III LEGAL TITLE TRUST 2015-1, BY U.S. BANK
NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Marie-Ann Greenberg magecf@magtrustee.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6